

The AFL-CIO and Civil Rights

Whether expressed in terms of Proposition 13 hysteria or "union free environment," the new and sophisticated radical right has dampened the response of the administration, Congress and the courts to human needs. Nowhere is this more apparent than in the area of civil rights.

Vacillation now infects the school desegregation struggle. Employment and training programs are cut back in the name of fighting inflation. The courts are flooded with "reverse discrimination" cases. The net result has been to force labor and civil rights organizations on the defensive, to protect past gains rather than seek new progress.

As one might suspect, those forces which fought the labor movement on labor law reform, situs picketing, minimum wage, and Davis-Bacon also lead opposition to equal rights for women and extension of the U.S. Civil Rights Commission, while seeking to weaken civil rights enforcement agencies and reverse school integration.

There is a growing misconception in the land that minorities and women have "made it"—that equality has arrived. This is hardly a reasonable assumption, given the shocking disparities in unemployment rates, education, earnings, housing and job opportunities.

Despite fair housing legislation, segregated housing patterns persist and a disproportionate number of minorities remain in ghettos, with some of the worst living conditions in the country.

Staggering unemployment rates haunt the youth and particularly minority teenagers, many of whom face the prospect of reaching adulthood without ever having a substantive work experience.

In spite of the current conservative mood, much has been accomplished. The federal enforcement of civil rights laws has vastly improved; targeted outreach programs continue to set an impressive record of recruitment of minorities and women; the

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*From the Report of the AFL-CIO
Executive Council to the Thirteenth Convention,
November 1979*

U.S. Supreme Court has set carefully-defined parameters on problems of seniority and affirmative action.

Never before have the civil rights and labor communities been so unified as to common goals and objectives. Operating chiefly through the Leadership Conference on Civil Rights and the National Association for the Advancement of Colored People, as well as ad hoc coalitions for specific legislative goals, the period since our last convention has been very productive. The Leadership Conference role in enacting minimum wage and Humphrey-Hawkins full employment legislation was outstanding. And the labor-civil rights coalition worked actively to defeat a so-called "right-to-work" measure in Missouri.

Two additional items have been added to the civil rights agenda—discrimination against handicapped individuals and age bias. The AFL-CIO supported legislation to bring these groups their full measure of civil rights.

Civil rights remain an urgent issue for the nation, and the labor movement will continue to work with religious, civic, women's and civil rights organizations in striving toward the ultimate goal of equal opportunity in every sphere of the society for all people.

Employment and Training

The bleak employment picture for minorities and women continues to rob these groups of their full civil rights, for without work they cannot take advantage of fair housing or equal accommodations. Unemployment among blacks continues at rates more than double those for white workers, and with jobless rates for women uniformly higher than rates for males the same age.

Unemployment rates for black teenagers—male and female—are well over 30 percent. So calamitous are the youth unemployment figures that an entire generation may reach adult status never having held a decent job. The resulting price the nation pays in drugs, crime, disease and social unrest is incalculable.

Yet, just as the various employment and training programs—and particularly Comprehensive Employment and Training Act—began to have a positive impact on this unemployment, efforts were launched to cut back funding on the grounds that government spending is inflationary. Precisely the contrary is the case in this instance, however, because unemployment is inflationary. Workers being sustained by unemployment benefits, welfare and food stamps are not producing goods or services for the funds they receive.

The labor movement joined with civil rights groups and community based organizations in 1979 to spearhead a successful battle to thwart an administration attempt to slash \$50 million in the Labor Department's Office of National Programs. This cut would have caused untold damage to targeted outreach programs designed to recruit, prep, counsel and place minorities

and women in apprenticeship and journeymen training programs and non-traditional job categories.

The programs in these areas are run by the Recruitment and Training Program, the Labor Education Advancement Program of the National Urban League, and the AFL-CIO Human Resources Development Institute. Since their inception, these programs have placed over 53,000 apprentices in the skilled trades and made almost 30,000 other skilled trades placements, plus another 15,000 in other occupations.

These programs are among the most "cost effective" training efforts, yielding tremendous economic benefits in terms of improved skills and incomes. These programs will be crucial in bringing in significant numbers of women into the trades and other non-traditional employment areas. The "outreach" concept must also be used for programs aimed at job training and placement for handicapped workers.

Affirmative Action

Much sound and fury has swirled around the concept of affirmative action in efforts to eliminate discrimination in the workplace. Demagogues have further confused matters by coupling seniority systems with affirmative action programs in an "either-or" relationship. Gimmicks, including phantom and super seniority and forced worksharing, have been suggested, at the same time that attacks on seniority systems are working their way through the courts.

The U.S. Supreme Court has decided at least certain aspects of the question on "bona fide" seniority systems. A complete discussion of these cases appears in the "Labor and the Law" chapter. More important, however, than the legal issues involved is the manner in which the AFL-CIO moved quickly to reaffirm its support for affirmative action.

Following the controversial *Bakke* decision in 1978, the AFL-CIO Executive Council stated: "... this is the appropriate occasion to reaffirm the AFL-CIO's long-standing commitment to affirmative action to open doors previously shut to women and minorities.

"It continues to be necessary to take affirmative steps to alleviate the historical burden of discrimination carried too long by women and minorities. We, therefore, favor aggressive, positive efforts to integrate, instead of mere passive agreement not to discriminate.

"In this context, affirmative action must include recruiting, hiring, counselling, training, upgrading and promoting minorities and women. Those words state the essence of our outreach programs to prepare for employment and to place minorities and women in occupations where they are not sufficiently represented. These programs maintain standards, accept the validity of nondiscriminatory testing, bar quotas or unfair preferential

treatment. Our programs work and work well. They do so without undermining society's commitment to fair treatment for all.

"The *Bakke* decision strengthens our resolve to continue to move in the positive direction we have been moving. In order to reach our ultimate goal of an equal opportunity for employment for every American, there must be a full employment economy to provide the jobs necessary to make affirmative action truly effective."

The blame for discrimination against women and minorities in hiring and initial assignment belongs with employers and not with bona fide seniority systems.

The AFL-CIO is committed to the principle that seniority systems which are as broad as possible are most desirable for all union members—male and female, white and black. The AFL-CIO recognizes the role of affirmative action in providing full and equal access to all aspects of employment life for all people without regard to race, creed, color, sex, national origin, age or handicap. However, affirmative action cannot replace full employment as the most effective means of providing equal opportunity.

Equal Employment Opportunity Commission

For several years the AFL-CIO Civil Rights Department has negotiated with the Equal Employment Opportunity Commission in an attempt to reestablish a procedure whereby the department and the national union would automatically receive notices if an EEOC charge was filed against a local union.

Under the leadership of EEOC Chair, Eleanor Holmes Norton, such an agreement has been reached and the department is currently receiving quarterly print-out sheets from EEOC indicating the status of the charges pending against AFL-CIO unions. This information is made available to national unions which desire it to aid them in working for early and equitable solutions to these problems.

For quite some time, EEOC district offices automatically included as a respondent the national or international union whenever a local was charged. The EEOC, in response to this concern raised by the AFL-CIO, has now officially adopted language in its own rules stating that national and international unions participating in the charge processing procedures will not be named as respondents for involving themselves, after the fact, in a charge or other complaints against affiliated local unions in order to determine the underlying facts or seek a voluntary resolution of the charge or complaint. This does not prevent national or international unions from being named in the original charge or by amendments where the parent body is appropriately a party to the charge.

Other dramatic changes are occurring at the Commission. EEOC has undergone reorganization in an attempt to deal with

backlog cases, institute a rapid processing system for current cases and a new systemic charge processing system. Frivilous or non-EEOC charges are promptly called and the factual basis for legitimate charges is established without delay.

The department maintains close contact with EEOC and with our affiliates in order to ascertain whether the new processes are resulting in more efficiency, as well as equitable solutions to discrimination charges.

Earlier this year, as a part of the President's reorganization proposal for equal employment opportunity enforcement, the responsibility for the Equal Pay Act and the Age Discrimination in Employment Act were transferred to EEOC. However, the AFL-CIO expressed concern over the transfer of these added responsibilities to EEOC, because the Department of Labor already maintained expertise gained under enforcing the Fair Labor Standards Act in the enforcement of the critical equal pay provisions.

Community Involvement

Since conservative forces have stepped up their attack on social programs, the need for strengthening and building coalitions between the labor movement and community organizations which share common goals has never been greater. The agenda for the future, full employment, national health security, decent housing and equal education can only be achieved by coalition efforts.

The potential of such relationships was vividly illustrated by the resounding defeat of a so-called "right-to-work" amendment in Missouri and the efforts against the amendment led by a coalition of labor, church, civil rights and women's groups and the black community.

The A. Philip Randolph Institute, the Labor Council for Latin American Advancement and the Coalition of Labor Union Women are working to increase the participation of black, Hispanic and women trade unionists in their unions and in the political processes of their communities. These groups have built bridges between their respective communities and labor.

The Randolph Institute, through its 180 chapters in 35 states, is expanding its activities, including non-partisan voter registration and get-out-the-vote campaigns, education and promotion of labor's legislative priorities and support for union organizing drives, labor studies and boycotts. Since the last AFL-CIO convention, APRI has redoubled its efforts to revitalize and strengthen the labor-civil rights coalition as a determining factor in electing pro-labor and pro-civil rights candidates through joint voter registration, voter education, and get-out-the vote projects with AFL-CIO COPE and the NAACP.

A close working relationship has been maintained and fostered between labor and the NAACP. The AFL-CIO has called upon

its affiliates to assist the NAACP in its membership drive in order that the Association, many of whose members are also union members, may remain a strong and effective advocate of social and economic justice.

For almost 30 years the Leadership Conference on Civil Rights, a national coalition of approximately 150 organizations including the AFL-CIO, has been coordinating campaigns to support national civil rights issues and legislation. In this instance, we are part of a unique coalition, operating by consensus and acting as the civil rights conscience of the nation.

The development of a close working relationship with other civil rights organizations continues. The National Urban League, the Martin Luther King Center for Social Change, and numerous other groups, all share in common programs and objectives with the labor movement.

Since its founding in 1973, the Labor Council for Latin American Advancement has established 66 chapters in 23 states working to improve communication and cooperation between the Latin community, Hispanic trade unionists and the labor movement in general. The Hispanic labor force is one of the fastest growing in the nation.

Women Workers

Women of today work for the same reasons men do—to provide for the welfare of themselves and their families. Women continue to experience discrimination in employment and remain concentrated in low-paid, low-skilled occupations with restricted promotion opportunities and often without union representation and protection.

In 1978 there was an increase of 1.8 million women in the civilian labor force, and by midyear 50 percent of all women 16 years and older were in the work force—or nearly 43 million.

Families headed by a female, now over 8 million, are plagued by poverty with one in every three such families existing at or below the poverty level. The average earnings of women who work full-time remains at about 60 percent of the full-time earnings of men, with minority women in some instances averaging below 50 percent.

The Equal Pay Act reaches wage discrimination based on sex where the jobs are equal or substantially the same. Both the Civil Rights Act and Executive Order 11246 prohibit discrimination based on sex in rates of pay or other forms of compensation for comparable jobs, i.e., jobs which may be different in content, but require the equivalent skill, effort and responsibility.

A good union contract is not only the most effective guarantee against economic exploitation, but it is also the basis upon which true equality can be built. Union women working under the benefits of a collective bargaining contract earn up to 25 percent more than non-union women.

In the past the courts have hesitated about applying the 14th Amendment guarantee of "equal protection of the laws" universally to women. Neither has the U.S. Supreme Court made any broad decision outlawing sex discrimination. Individual complainants have been faced with the arduous and expensive case-by-case struggle to obtain relief. Passage of the Equal Rights Amendment would correct this. ERA would improve the quality of life for families, open the doors of all professions and jobs for both sexes and ensure respect for all careers chosen by women and men, including that of "homemaker."

But the struggle goes on for ratification of ERA. The AFL-CIO was in the forefront of the fight to extend the ratification deadline and continues to play a leading role in the ERA coalitions in the key remaining states needed for ratification. ERA is a clear, positive statement of national commitment to the principle of equality under the law for all people, recognizing the fundamental dignity and individuality of each human being. Failure to ratify the amendment is besmirching this nation's reputation for promoting human rights.

The participation of women in the trade union movement continues to grow as more and more women accept leadership responsibilities and join in efforts to eliminate sex discrimination and the barriers to full equality in employment and economic and social justice for all.

The AFL-CIO Department of Civil Rights works closely with the Coalition of Labor Union Women, in particular, as it strives to strengthen the role and involvement of women within the trade union movement, to encourage the organization of the millions of unorganized women workers and to seek equality in the workplace.

Council Recommendation

The AFL-CIO is dedicated to the achievement of equal employment opportunity and affirmative action programs designed to open opportunities in the workplace that were previously closed to minorities and women.

Major civil rights legislation over the past 20 years, including the Civil Rights Act of 1964, as amended, the Voting Rights Act and the Fair Housing Act, were enacted into law through the united efforts of a labor-civil rights coalition. In order to realize the goal of equality and justice for all people, we must continue to join together with other community and civil rights organizations in areas where we share common interests.

Employment and Training

The recent erosion of civil rights gains has resulted largely from a lack of national commitment to a policy of full employment. With full employment, national employment and training

policies and programs can be most effective in providing jobs and training for minorities, women and handicapped workers. At the same time, major new initiatives will be required to provide jobs and skills for young people who have neither.

The outreach principle, which has been so successful in the construction trades, should be expanded into new sectors of the economy, and should be particularly applied to the needs of handicapped workers. The major outreach organizations—Human Resources Development Institute (HRDI), Recruitment and Training Program, Inc. (RTP) and the National Urban League's Labor Education Advancement Program (LEAP), which operate in 120 communities around the country—are to be congratulated on the excellent progress they have made in the training and placement of minorities, youth and women. They have earned our unwavering support and deserve stronger financial support from both government and business.

We urge our affiliates to continue to cooperate and support the targeted outreach programs designed to recruit, prep, counsel minorities and women.

We reaffirm our commitment to push for full employment and job creation programs. We deplore efforts to cut back on effective programs, particularly the Comprehensive Employment and Training Act and the Department of Labor's Office of National Programs.

Affirmative Action

While the best affirmative action program would be full employment and an expanding economy, we urge our affiliates to initiate and support affirmative action programs.

We will oppose any efforts to destroy the seniority system which is the means by which workers are protected from arbitrary and unfair actions of employers affecting their employment opportunities. At the same time, we recommend that our affiliates continue to review their collective bargaining agreements to assure that seniority provisions are as broad as possible to provide all union members with the value and protection of their length of service with an employer.

The AFL-CIO favors aggressive, positive efforts to eliminate segregation, rather than mere passive agreement not to discriminate.

Equal Employment Opportunity Commission

We urge our affiliates to utilize the services of the AFL-CIO Department of Civil Rights in their pursuit of equal employment opportunity, including the use of information available through the department regarding the status of EEOC charges pending against AFL-CIO unions. We encourage every union to designate individual officers or staff to deal with civil rights issues.

The AFL-CIO believes there should be continuing, aggressive enforcement of the Equal Pay Act and the Age Discrimination in Employment Act by EEOC. Further, we pledge to work with

the Commission wherever possible to find efficient and equitable solutions to employment discrimination charges. We urge our affiliates to share experiences and to work closely with our Civil Rights Department as new programs develop.

Community Involvement

To more effectively counter the increasing right-wing attacks on social and economic programs designed to bring all people into the mainstream of American life, the AFL-CIO urges its affiliates to fully participate in effective and enduring coalitions with civil rights and women's groups in order to jointly pursue correction of the inequities and injustices in society.

Greater labor participation and support is particularly needed for such organizations as the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, the Labor Council for Latin American Advancement, the Coalition of Labor Union Women, the A. Philip Randolph Institute, the National Urban League, the National Urban Coalition and others that share our goals for a fair and just society.

Women Workers

The AFL-CIO calls upon its affiliates to:

1. Renew educational and political efforts to secure ratification of the Equal Rights Amendment and to oppose attempts by any ratified states to rescind or declare void prior ratifications.
2. Work for the passage of legislation to provide for a comprehensive system of quality child care services in this country.
3. Encourage greater participation by trade union women in all aspects of union activities.
4. Encourage participation in organizations, such as the Coalition of Labor Union Women, which work within the trade union movement to strengthen the involvement of women in unions and in the political processes of the community.
5. Continue to strive for the elimination of any vestiges of work-related discrimination in wages, fringe benefits or job access.